(4) CR 1004

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Writ Petition No. 777 of 2004.

PETITIONER : Sudh Ram aged about 23 years S/o Samay Lal Gond, resident of Village Khongsara, Tahsil Kota, Distt. Bilaspur (C.G.).

Versus

RESPONDENTS : 1. Ramlal Dhurve, aged 24 years S/o Ramchandi Gond.

2. Samar Bai, aged 52 years Widow of Ramchandi Gond,

3. Paras Ram, aged 16 years, S/o Ramchandi Gond,

4. Ram Bai, aged 18 years D/o Ramchandi Gond,

5. Ramkunwar Bai, aged 20 years D/o Ramchandi Gond,

6. Dharmin Bai, aged 13 years D/o Ramchandi Gond.

Nos. 3 & 6 minors through next friend natural guardina, mother Smt. Samar Bai W/o Ramchandi Gond.

All residents of village Mohli, Tah Kota, Distt. Bilaspur (C.G.).

7. Prahlad @ Kartik Gond, aged 54 yrs. S/o Ujiyar Singh Gond.

8. Dadlu, aged 42 years S/o Ujiyar Gond.

9. Bhagat, S/o Ujiyar Gond, 34 years.

Nos. 7 to 9 are residents of village Khongsara, Tah. Kota, District Bilaspur (C.G.).

P. R. No. 346/04 Presented by Shri Nissar Khan dated 02.12.04

....contd....

(5)

-2-

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA :

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 777/सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	24.1.2005 Heard Shri Saifuddin Rajas, counsel for the petitioner. The petitioner has preferred this writ petition being aggrieved by the judgment dated 16.11.1999 passed by the High Court of Madhya Pradesh at Jabalpur in Second Appeal No.59/1995, whereby the learned single Judge while allowing the appeal ordered that the judgment and decree of the first appellate Court as well the trial Court are set aside, and declared that the plaintiff has one third share of Ganesh Ram, S/o Daroga in 18.17 acres of land in village: Khongsara, Tehsil: Kota, District: Bilaspur, as per preliminary decree dated 3.3.1956 in Civil Suit No.68-A of 1995. The plaintiff may apply under Section 178 of the M.P. Land Revenue Code, 1959, before the Tehsildar for actual partition of these lands and the plaintiff will be given one-third share of Ganesh Ram in this partition. Learned counsel for the petitioner submits that all agricultural land admeasuring 18.17 acres was a joint family property and the petitioner is also a member of that joint family being the legal heir of Sunhar, the real uncle of Ganesh Ram, and without arraying him and other joint family members as party, the litigation was filed by Ramchandi Gond, the father of respondents No.1 to 6 herein, seeking relief against respondents No.7 to 9 herein.	

GRPRJ—FS/350—12/2000—50,000.

(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 777/ सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Having heard learned counsel for the petitioner, I have perused the petition and the relevant record. The petitioner's case involves disputed facts which can be determined only by producing all relevant documentary and oral evidence, which cannot be inquired into or gone through in the writ jurisdiction. Therefore, proper remedy for the petitioner is to approach the civil Court based on whatever rights available to him. With the observation aforesaid, the petition stands disposed of. In view of this order, M.(W.)P.No.692/2004, I.A.Nos.1694/2004 and 1695/2004 also stand disposed of Sd/- L.C.BHADOO Judge	

Soma

GRPRJ—FS/350—12/2000—50,000.